
Fourth Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 1 of 2014

[L.S.]

AN ACT to amend the Bail Act, Chap. 4:60

[Assented to 14th February, 2014]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title **1.** This Act may be cited as the Bail (Amendment) Act, 2014.

Act inconsistent with the Constitution **2.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation Chap. 4:60 **3.** In this Act, the Act means the Bail Act.

Section 5 amended **4.** Section 5 of the Act is amended—

- (a) in subsection (1), by deleting the words “subsection (2)” and substituting the words “subsections (2) and (4)”;
- (b) by repealing subsections (2), (3), (9) and (10);
- (c) by renumbering subsections (4), (5), (6), (7) and (8) as subsections (2), (3), (4), (5) and (6) respectively;
- (d) in renumbered subsection (2), by deleting the words “Part III” and substituting the words “Part II”;
- (e) by inserting after renumbered subsection (2) the following subsection:
 - “ (3) For the purpose of subsection (2), a conviction under the Anti-Gang Act shall be counted.”;
- (f) in renumbered subsection (4)—
 - (i) by deleting the word “two”;

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- (ii) by deleting the word “(4)” and substituting the words “(2) and (3)”; and
 - (iii) by inserting after the words “fifteen years” the words “and time spent serving a sentence shall not be counted in calculating the said fifteen years”;
- (g) in renumbered subsection (5), delete the words “(7) and (8)” and substitute the words “(6) and (7)”;
- (h) in renumbered subsection (6), delete the words “(8)” and “(6)” and substitute the words “(7)” and “(5)” respectively;
- (i) by inserting after renumbered subsection (7) the following subsections:
- “ (8) Notwithstanding subsection (2) and subject to subsection (9), a Court shall not grant bail to any person who—
- (a) was, before, on or after the commencement of the Bail (Amendment) Act, 2014, convicted for an offence listed in Part II of the First Schedule; and
 - (b) is, on or after the commencement of the Bail (Amendment) Act, 2014, charged with an offence listed in Part II of the First Schedule within ten years after the completion of the sentence including the payment of any fine imposed, if any, in respect of the conviction referred to in paragraph (a).

(9) Where a person is convicted of an offence listed in Part II of the First Schedule on or after the commencement of the Bail (Amendment) Act, 2014, and is charged with an offence listed in Part II of the First Schedule and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge, that person is entitled to make an application to a Judge for bail.

(10) Where a person has been granted bail and is subsequently convicted for an offence under Part II of the First Schedule or the Anti-Gang Act, the Court shall reconsider the grant of bail in respect of any pending charge.

(11) For the purpose of this section, a conviction includes a conviction for a similar or materially similar offence as listed in Part II of the First Schedule which is imposed by a court of competent jurisdiction in any foreign jurisdiction.

(12) For the purpose of this section, except subsection (5), where a person is charged with an offence listed in Part II of the First Schedule and evidence has been taken within one hundred and twenty days of the reading of the charge but the trial is not completed within one year from the date of the reading of the charge, that person is entitled to make an application to a Judge for bail.”.

5. Parts II and III of the First Schedule to the Act are First Schedule
amended deleted and the following Part is substituted:

“PART II

SPECIFIED OFFENCES

- (a) an offence under the Firearms Act which is punishable by imprisonment for a term of ten years or more, or an offence under section 8, 9 or 10 of that Act;
- (b) an offence under the Larceny Act which is punishable by imprisonment for a term of ten years or more;
- (c) an offence under the Malicious Damage Act which is punishable by imprisonment for a term of ten years or more;
- (d) a sexual offence in which the alleged victim is a child, including a sexual offence under the Sexual Offences Act or the Children Act, 2012 or any Act repealing and replacing any of those Acts;
- (e) an offence under the Sexual Offences Act which is punishable by imprisonment for a term of ten years or more;
- (f) an offence under the Offences Against the Person Act which is punishable by imprisonment for a term of ten years or more, or an offence under section 48 or 54 of that Act;
- (g) an offence under the Dangerous Drugs Act which is punishable by imprisonment for a term of ten years or more;
- (h) an offence under the Trafficking in Persons Act, 2011 which is punishable by imprisonment for a term of ten years or more;
- (i) perverting or defeating the course of public justice;
- (j) an attempt to commit an offence listed in this Part or Part I of this Schedule.”

Duration

6. This Act shall expire on the 15th day of August, 2016.

Passed in the House of Representatives this 11th day of January, 2014.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 27 members of the House.

Clerk of the House

Passed in the Senate this 28th day of January, 2014.

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of 22 Senators.

Clerk of the Senate

Senate amendments were agreed to by the House of Representatives on the 7th day of February, 2014.

Clerk of the House